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EXAMINER

TIV, BACKHEAN

ART UNIT PAPER NUMBER

2151

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/803,526	Applicant(s) POLYCHRONIDIS ET AL.	
	Examiner Backhean Tiv	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) 56 and 57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/05, 12/02</u> . | 6) <input type="checkbox"/> Other: _____ |

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Detailed Action

Claims 1-57 are pending in this application. This is a response to the Election made on 12/17/04.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 11/12/02 and 1/7/05, has been considered.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-55, drawn to a system to provide location information through pulling the location information from a Home Location Register or pushing location information from a Home Location Register, classified in class 709, subclass 202.
- II. Claims 56-57, drawn to a system to provide location information request through Session Initiation Protocol server, classified in class 709, subclass 217.

The applicant has elected Group 1 without traverse for examination. Group 2 has been withdrawn from consideration.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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Claims 7-18,20,22-32, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "subsequently" in claim 7-18,20,22-32 is a relative term which renders the claim indefinite. The term "7-18,20,22-32" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,650,891 issued to Wierzbitzki et al.(Wierzbitzki).

As per claim Wierzbitzki teaches as per claim 1, a server-based network presence and location agent which acquires presence and location information about a plurality of mobile devices operating on a wireless network from an entity on the wireless network other than the mobile devices(col.3, lines 38-65), and which provides

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the acquired presence and location information to remote applications which use said information on a computer network(col.3, line 65-col.4, line 39).

As per claim 2, a server-based network presence and location agent as recited in claim 1, wherein the network presence and location agent is configured to acquire the presence and location information in response to requests for said information from one or more of the remote applications(col.3, lines 45-60).

As per claim 3, a server-based network presence and location agent as recited in claim 1, wherein the network presence and location agent acquires the presence and location information independently of any requests for said information(col.4, lines 23-39).

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,741,853 issued to Jiang et al.(Jiang).

As per claim Jiang teaches as per claim 1, a server-based network presence and location agent which acquires presence and location information about a plurality of mobile devices operating on a wireless network from an entity on the wireless network other than the mobile devices(col.4, lines 35-58), and which provides the acquired presence and location information to remote applications which use said information on a computer network(col.4, lines 36-58).

As per claim 2, a server-based network presence and location agent as recited in claim 1, wherein the network presence and location agent is configured to acquire the

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presence and location information in response to requests for said information from one or more of the remote applications(col.3, lines 59-col.4, line 10).

As per claim 3, a server-based network presence and location agent as recited in claim 1, wherein the network presence and location agent acquires the presence and location information independently of any requests for said information(col.3, lines 59-col.4, line 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,741,853 issued to Jiang et al.(Jiang) in view of US Patent 6,421,707 issued to Miller et al.(Miller).

As per claim 4-6, Jiang teaches the use of XML and HTTP(col.1,lines 48-50, col.10, lines 31-36).

Jiang however does not teach the use of SMPP .

Miller teaches the use of SMPP(col.4, lines 4-7).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Jiang of determining presence or location

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information using pull and push functions with XML format messages and HTTP protocol to add the use of SMPP as taught by Miller in order to for a user to communicate to other users on the network(Miller, col.4, line4-15).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Jiang, and Miller in order to provide a system to exchange information for two devices(col.1, lines 39-45).

Claims 4-11,15-16,19-20,22-27,29,32-36,38-41,43-46,48-51,53-55, are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,650,891 issued to Wierzbicki et al.(Wierzbicki) in view of 6,741,853 issued to Jiang et al.(Jiang) in further view of US Patent 6,421,707 issued to Miller et al.(Miller).

As per claim 4-11,16,19-20,22-27,29,33-36,39-41,43-46,49-51,53-55, Wierzbicki teaches a mobile network presence and location agent(Abstract) comprising:
to receive a request for presence or location information about a mobile device from a remote application over a computer network(claim 5, col.3, lines 38-67),
and to send a corresponding request for the presence or location information to a Short Message Service Center (SMSC)(col.3, lines 66-col.4, line 15),
such that the SMSC responds by querying a Home Location Register (HLR) of a wireless network on which the mobile device operates to obtain the requested presence or location information(col.4, lines 15-23),

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the SMSC provides the presence or location information(col.4, lines 40-67), and wherein provides the presence or location information to the remote application the presence or location information for use by the remote application(col.4, lines 40-67);

Wierzbitzk however does not teach explicitly a pull agent to pull information, or the use of XML format for messages, HTTP, SMPP, and using a push agent to push information.

Jiang teaches a pull agent to pull information(col.4, lines 36-57), the use of XML for messages(col.10, lines 31-35), HTTP(col.1, lines 48), and using push agent to push information to a computer(col.4, lines 36-57).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Wierzbitzki of determining online/offline detection of users to add the use of the pulling of information, the pushing of information, and the use of XML format for information and the use of HTTP to transmit information as taught by Jiang in order to delivery information to a user regardless of this status(Jiang, col.4, lines 41-45, pushing information), to receive information when requested by a user(Jiang, col.4, lines53-57, pulling information), to customize tags that offer great flexibility in organizing and presenting information(XML), and to provide a protocol to transfer information to a web browsers(HTTP).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Wierzbitzki and Jiang in order to provide a system that will fill specific needs of wireless devices users and give users increased mobility and greater access to information(Jiang, col.1, lines 10-15).

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Wierzbitzki in view of Jiang, however does not explicitly teach the use of SMPP.

Miller teaches the use of SMPP(col.4, lines 4-7).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Wierzbitzki in view of Jiang of determining presence or location information using pull and push functions with XML format messages and HTTP protocol to add the use of SMPP as taught by Miller in order to for a user to communicate to other users on the network(Miller, col.4, line4-15).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Wierzbitzki, Jiang, and Miller in order to provide a system to exchange information for two devices(col.1, lines 39-45).

As per claim 15, 32 wherein the processing device is on an Internet Protocol (IP) based network(Jiang, col.9, lines 24-25).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Wierzbitzki in view of Jiang in further view of Miller to add the use of an IP based network as taught by Jiang in order to use a different protocol for communication of devices.

One ordinary skilled in the art at the time of the invention would have been motivated to combine Wierzbitzki, Jiang, and Miller to provide a system to use a protocol that breaks up data messages into packets for routing from a sender to a destination network.

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As per claim 38, 48, wherein said means for receiving the presence or location information comprises means for receiving the presence or location information from a General Packet Radio Service (GPRS) server(Wierzbitzki, col.2, lines 23-25).

Claims 12,18,28,42,52 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,650,891 issued to Wierzbitzki et al.(Wierzbitzki) in view of 6,741,853 issued to Jiang et al.(Jiang) in further view of US Patent 6,421,707 issued to Miller et al.(Miller) in further view of Office Notice.

Wierzbitzki in view of Jiang in further view of Miller does not teach as per claim 12,18,28,42,52, the user of J-STD-025 to communicate between devices.

Office Notice is taken, it is obvious to one ordinary skilled in the art at the time of the invention to modify Wierzbitzki in view of Jiang in further view of Miller to use J-STD-025 for communicated because this is a standard produced by Telecommunications Industry Association for use in electronic surveillance.

One ordinary skilled in the art at the time of the invention would have been motivated to combine Wierzbitzki, Jiang, Miller, and use J-STD-025 in order to provide a system that interfaces between a telecommunications service provider (TSP) and a law enforcement agency (LEA) to assist the LEA in conducting lawfully authorized electronic surveillance.

Claims 13, 14, 17, 21, 30, 31, 37, 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,650,891 issued to Wierzbicki et al. (Wierzbicki) in view of 6,741,853 issued to Jiang et al. (Jiang) in further view of US Patent 6,421,707 issued to Miller et al. (Miller) in further view of US Patent 6,771,639 issued to Holden.

Wierzbicki in view of Jiang in further view of Miller teaches the use of XML format and HTTP to transmit messages but does not teach as per claim 13, 14, 17, 21, 30, 31, 37, 47 the use of Session Initiation Protocol (SIP) agent to receive location or presence information.

Holden teaches the use of SIP to receive information (col. 3, lines 60-65).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the system of Wierzbicki in view of Jiang in further view of Miller to add the use of SIP to receive information as taught by Holden in order to control multimedia and data (Holden, col. 3, lines 62-63).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Wierzbicki, Jiang, Miller, and Holden to provide a system to invite users to a session that may have advertised by other mechanism, such as email, newsgroups, webpages (Holden, col. 3, line 66-col. 4, line 3).

Claims 1-11, 16, 19-20, 22-27, 29, 33-36, 39-41, 43-46, 49-51, 53-55, 15, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,148,197

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issued to Bridges et al.(Bridges) in view of 6,741,853 issued to Jiang et al.(Jiang) in further view of US Patent 6,421,707 issued to Miller et al.(Miller).

As per claim 1-11, 16, 19-20,22-27,29,33-36,39-41,43-46,49-51,53-55, Bridges teaches a mobile network presence and location agent(Abstract) comprising:
to receive a request for presence or location information about a mobile device from a remote application over a computer network(col.2, lines 38-51,col.17, lines 39-57),
and to send a corresponding request for the presence or location information to a message center(col.17, lines 31-57),
such that the message center responds by querying a Home Location Register (HLR) of a wireless network on which the mobile device operates to obtain the requested presence or location information(col.17, lines 31-57),
the message center provides the presence or location information(col.17, lines 38-57),
and wherein provides the presence or location information to the remote application the presence or location information for use by the remote application(col.17, lines 38-57);

Bridges however does not teach explicitly a pull agent to pull information, or the use of XML format for messages, HTTP, SMPP, and using a push agent to push information and a Short Message Service Center (SMSC).

Jiang teaches a pull agent to pull information(col.4, lines 36-57), the use of XML for messages(col.10, lines 31-35), HTTP(col.1, lines 48), and using push agent to push information to a computer(col.4, lines 36-57).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Bridges of determining online/offline detection of users to add the use of the pulling of information, the pushing of information, and the use of XML format for information and the use of HTTP to transmit information as taught by Jiang in order to delivery information to a user regardless of this status(Jiang, col.4, lines 41-45, pushing information), to receive information when requested by a user(Jiang, col.4, lines53-57, pulling information), to customize tags that offer great flexibility in organizing and presenting information(XML), and to provide a protocol to transfer information to a web browsers(HTTP).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Bridges and Jiang in order to provide a system that will fill specific needs of wireless devices users and give users increased mobility and greater access to information(Jiang, col.1, lines 10-15).

Bridges in view of Jiang, however does not explicitly teach the use of SMPP.

Miller teaches the use of SMPP and the use of a Short Message Service Center (SMSC)(col.4, lines 4-7).

Therefore it would have bee obvious to one ordinary skilled in the art at the time of the invention to modify the system of Bridges in view of Jiang of determining presence or location information using pull and push functions with XML format messages and HTTP protocol to add the use of SMPP and the use of a Short Message Service Center (SMSC) to send messages as taught by Miller in order to for a user to communicate to other users on the network using text(Miller, col.4, line4-15).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Bridges, Jiang, and Miller in order to provide a system to exchange information for two devices(col.1, lines 39-45).

As per claim 15, 32 wherein the processing device is on an Internet Protocol (IP) based network(Jiang, col.9, lines 24-25).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Bridges in view of Jiang in further view of Miller to add the use of an IP based network as taught by Jiang in order to use a different protocol for communication of devices.

One ordinary skilled in the art at the time of the invention would have been motivated to combine Bridges, Jiang, and Miller to provide a system to use a protocol that breaks up data messages into packets for routing from a sender to a destination network.

Claims 12,18,28,42,52, 38,48 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,148,197 issued to Bridges et al.(Bridges) in view of 6,741,853 issued to Jiang et al.(Jiang) in further view of US Patent 6,421,707 issued to Miller et al.(Miller) in further view of Office Notice.

Bridges in view of Jiang in further view of Miller does not teach as per claim 12,18,28,42,52, the user of J-STD-025 to communicate between devices.

Office Notice is taken, it is obvious to one ordinary skilled in the art at the time of the invention to modify Bridges in view of Jiang in further view of Miller to use J-STD-025 for communicated because this is a standard produced by Telecommunications Industry Association for use in electronic surveillance.

One ordinary skilled in the art at the time of the invention would have been motivated to combine Bridges, Jiang, Miller, and use J-STD-025 in order to provide a system that interfaces between a telecommunications service provider (TSP) and a law enforcement agency (LEA) to assist the LEA in conducting lawfully authorized electronic surveillance.

Bridges in view of Jiang in further view of Miller does not explicitly teach as per claim 38, 48, wherein said means for receiving the presence or location information comprises means for receiving the presence or location information from a General Packet Radio Service (GPRS) server.

Office Notice is taken, it is obvious to one ordinary skilled in the art at the time of the invention to modify Bridges in view of Jiang in further view of Miller to use GPRS to receive information in order to support web browsing and other services requiring transfer of data packets without limits in message size.

One ordinary skilled in the art at the time of the invention would have been motivated to combine Bridges, Jiang, Miller and use GPRS to receive information in order to provide a system in which a user can immediately connect to a service when needed.

Claims 13, 14,17, 21,30,31,37,47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,148,197 issued to Bridges et al.(Bridges) in view of 6,741,853 issued to Jiang et al.(Jiang) in further view of US Patent 6,421,707 issued to Miller et al.(Miller) in further view of US Patent 6,771,639 issued to Holden.

Bridges in view of Jiang in further view of Miller teaches the use of XML format and HTTP to transmit messages but does not teach as per claim 13, 14,17, 21,30,31,37,47 the use of Session Initiation Protocol (SIP) agent to receive location or presence information.

Holden teaches the use of SIP to receive information(col.3, lines 60-65).

Therefore it would have been obvious to one ordinary skill in the art at the time of the invention to modify the system of Bridges in view of Jiang in further view of Miller to add the use of SIP to receive information as taught by Holden in order to control multimedia and data(Holden, col.3, lines 62-63).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Bridges, Jiang, Miller, and Holden to provide a system to invite users to a session that may have advertised by other mechanism, such as email, newsgroups, webpages(Holden, col.3, line 66-col.4, line 3).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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